

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE JOYNER,

CIVIL ACTION NO. 08-14480

Plaintiff,

DISTRICT JUDGE JULIAN COOK

v.

MAGISTRATE JUDGE DONALD A. SCHEER

DETROIT POLICE OFFICER

R. STEWART, et al.,

Defendants.

/

**ORDER GRANTING PLAINTIFF'S MOTION TO
COMPEL DEFENDANTS TO ANSWER
QUESTIONS AND PROVIDE INFORMATION
REGARDING THEIR CURRENT SUSPENSION**

Plaintiff's Motion to Compel Defendants to Answer Questions and Provide Information Regarding Their current Suspension was filed on July 29, 2009. Defendants filed their Response and Brief on August 11, 2009. The parties appeared for hearing on September 8, 2009.

Defendants are represented in this action by Assistant Corporation Counsel for the City of Detroit. During depositions, each Defendant testified that he was currently suspended, but neither would answer any question regarding his suspension, apparently on the advice of counsel other than the attorney representing them in this action. Neither Defendant asserted a Fifth Amendment right against self-incrimination, or any other form of privilege. Plaintiff seeks an order directing Defendants to appear for continued deposition testimony on the subject matter as to which they improperly refused to testify.

The scope of civil discovery is broad, and the information sought may be relevant to the claims and/or defenses of the parties in this action. Defendants did not assert a proper privilege objection, and they may not refuse to testify in the absence of privilege. It is not necessary that the evidence sought would be admissible at trial, but only that it might lead to admissible evidence. That standard is met in this instance.

IT IS THEREFORE ORDERED that the depositions of Defendants Stewart and Welcome shall be reconvened in the jury room adjacent to Courtroom 640 in the Theodore Levin United States Courthouse, 231 W. Lafayette Avenue, Detroit, Michigan, 48226, within thirty (30) days of the date of this Order. The specific date and time may be agreed upon by counsel, in consultation with the Court's Case Manager. In the absence of agreement, the depositions shall occur on October 15, 2009 at 9:30 a.m. (Defendant Stewart) and 10:30 a.m. (Defendant Welcome). Defendants shall be responsible for arranging a certified court reporter, and shall discharge all fees and costs associated with the reporter's services, including the cost of Plaintiff's copy of the transcript. As a further sanction, Defendants shall pay the sum of \$500.00 to counsel for Plaintiff, within thirty (30) days of the date of this Order to discharge the reasonable attorney fees incurred in the preparation and prosecution of this motion.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: September 21, 2009

CERTIFICATE OF SERVICE

I hereby certify on September 21, 2009 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on September 21, 2009: **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217